



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
February 11, 2008
5:00 P.M.
Council Office

COUNCIL MEMBERS PRESENT:

D. Sterner, S. Marmarou, S. Fuhs, M. Goodman-Hinnershitz, M. Baez, V. Spencer

OTHERS IN ATTENDANCE:

C. Younger, L. Churchill, C. Kanezo L. Kelleher

Vaughn Spencer, President of Council, called the Committee of the Whole meeting to order at 5:00p.m.

I. Agenda Review: Health and Safety Review Ordinance

After some discussion amongst the members of Council, Mr. Younger and Mr. Churchill it was agreed that the ordinance would not go into effect before March 31st. Mr. Churchill explained a delayed effective date would be necessary to allow Codes Inspectors and property owner's with proper time to become familiar with ordinance.

Mr. Spencer questioned what department will assume responsibility for enforcing the ordinance. Mr. Churchill stated the Codes division will be responsible for enforcement. Mr. Spencer inquired how Mr. Churchill proposed to delay implementation of the ordinance. Mr. Churchill indicated he could direct staff not to begin enforcement until the agreed date, or Council could agree to delay the effective date. Mr. Churchill acknowledged Council action would be the formal method of addressing the matter. Mr. Spencer questioned if an effective date could legally be altered. Mr. Younger indicated Council had the power to amend the date.

Mr. Sterner suggested changing the effective date – assuming the change satisfied the primary objections raised by the Realtors Association – was a satisfactory compromise.

II. Agenda Review: Pay to Play Legislation

Mr. Fuhs stated the intent of the proposed legislation was to provide greater accountability to the citizens by holding the recipients of City contracts to higher standards, through the minimization of political influence. Mr. Fuhs felt additional oversight is necessary, due in large part to the size of upcoming projects. Mr. Fuhs believed members of Council would be supportive as he was not contacted with questions, or concerns. Ms. Goodman-Hinnershitz remarked that she had one crucial question that had to be addressed before the body of Council. The question was whether or not the proposed ordinance could be legally enforced.

Mr. Younger acknowledged he had initial concerns as to the legality and enforceability of the ordinance; however, research indicated the City of Philadelphia adopted a similar ordinance. Mr. Younger believed the proposed ordinance would not violate, nor supersede, State Election law.

Both Mr. Spencer and Ms. Goodman-Hinnershitz raised questions regarding the enforceability of the ordinance. Mr. Fuhs stated the ordinance was designed to allow citizens the right to bring complaints forward for civil resolution. Mr. Younger remarked that the City could conceivably serve as the complainant if violations were observed.

Mr. Churchill admitted the Administration, through the Purchasing Office, would likely address violations as they were detected, although some sort of declarative statement could be adopted from the ordinance. The statement would require bidders to declare they have not contributed to any campaign beyond the \$2,600.00 threshold prescribed in the ordinance. Mr. Churchill felt it would be possible to minimize difficulties, at a staff level, associated with properly enforcing the ordinance.

Mr. Fuhs noted the ordinance provided several mechanisms to deter violators, most notably barring violators, for four years, from receiving City contracts. Mr. Sterner reiterated the need for an upfront process; he felt retroactive enforcement would fail to accomplish anything. Mr. Spencer agreed that immediate enforcement is preferable; however, the ability of the Purchasing Office to track down campaign contributions would be limited. Mr. Spencer felt the best way to achieve adequate enforcement would be through the mechanisms described by Mr. Fuhs and the addition of new language to existing purchasing policies.

III. Executive Sessions

City Council entered executive session at 5:45p.m. to discuss a number of issues. The issues discussed concerned litigation, personnel matters and real estate.

Respectfully Submitted

By: _____
Linda A. Kelleher, City Clerk